

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DONALD CALVIN,

Plaintiff,

v.

WHATCOM COUNTY, *et al.*,

Defendants.

No. C07-273RSL

ORDER VACATING ORDER TO  
SHOW CAUSE AND ORDER  
DIRECTING SERVICE

This matter comes before the Court *sua sponte*. On March 4, 2007, the Court granted plaintiff's motion to proceed *in forma pauperis* and directed plaintiff to serve defendants as required by Fed. R. Civ. P. 4. See Dkt. #3. As of September 7, 2007, plaintiff had not served defendants, and as a result, the Court ordered plaintiff to show cause why this action should not be dismissed under Fed. R. Civ. P. 4. See Dkt. #6 (Order to Show Cause). On September 24, 2007, plaintiff responded to the Court's order to show cause contending that the failure to serve defendants was the result of injuries plaintiff sustained in a "catastrophic auto collision." See Dkt. #8 (Plaintiff's Response to Court's Order to Show Cause"). Based on plaintiff's response, the Court VACATES the Order to Show Cause (Dkt. #6).

However, by **October 31, 2007**, plaintiff shall serve defendants and file proof of service with the Court.

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ORDER VACATING ORDER TO SHOW  
CAUSE AND ORDER DIRECTING SERVICE

1 Should plaintiff fail to serve defendants and file proof of service with the Court by  
2 October 31, 2007, the Court will dismiss any defendant under Fed. R. Civ. P. 4(m) that has not  
3 been properly served. See Fed. R. Civ. P. 4(m) (“If service of the summons and complaint is  
4 not made upon a defendant within 120 days after the filing of the complaint, the court, upon  
5 motion or on its own initiative after notice to the plaintiff, shall dismiss the action without  
6 prejudice as to that defendant or direct that service be effected within a specified time[.]”).

7 DATED this 27th day of September, 2007.  
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11 Robert S. Lasnik  
12 United States District Judge  
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